

**CITY GOVERNMENT  
OFFICIAL PROCEEDINGS OF CITY COUNCIL  
SAVANNAH, GEORGIA  
JANUARY 13, 2011**

The regular meeting of Council was held this date at 2:00 P.M. in the Council Chambers of City Hall. Mayor Johnson requested a moment of silence, followed by the Pledge of Allegiance to the Flag. The Minutes of the December 30, 2010 City Council Meeting and the December 30, 2010 Summary Minutes of the City Council Workshop and City Manager's Briefing were approved upon motion of Alderman Osborne, seconded by Alderman Thomas, and carried.

**PRESENT:** Mayor Otis S. Johnson, Presiding  
Mayor Pro-Tem Edna B. Jackson  
Alderman Tony Thomas, Chairman of Council  
Alderman Van Johnson, II, Vice-Chairman of Council,  
Aldermen Larry Stuber, Clifton Jones, Jeff Felser, Mary Osborne  
and Mary Ellen Sprague

Acting City Manager Rochelle S. Toney  
City Attorney James B. Blackburn  
Asst. City Attorneys William W. Shearouse and Lester B. Johnson, III

Upon motion of Alderman Johnson, seconded by Alderman Felser, approval was given for the Mayor to sign an affidavit and resolution for an Executive Session held today to discuss personnel, where no votes were taken (SEE RESOLUTIONS).

Mayor Johnson stated the celebration of Dr. Martin Luther King, Jr. was on Monday, January 17, 2011. Dr. King gave his life trying to be an advocate and worker for what he called the beloved community; a community where all would see each other as brothers and sisters, and treat each other with love, respect, and especially civility. Mayor Johnson stated as all move forward this coming year, he hoped that all would remember what Dr. King lived, worked, and died for. He then read a quotation of Dr. King's that he felt was very fitting for what everyone is experiencing in the nation and increasingly moving toward our city: *The ultimate measure of a man is not where he stands in moments of comfort, but where he stands in times of challenge and controversy.* Mayor Johnson stated everyone is in the middle of challenge and controversy, and he employed everyone, like all other intelligent, well being people, to agree to disagree but not be disagreeable in their disagreements.

**PRESENTATIONS**

Dr. Emmanuel Naniuzeyi, Director of the Educational Exchange Program, of Savannah State University announced the signing of the Exchange Program with the Jiujiang University. He thanked the Mayor and the leaders of the City for helping them develop an exchange program with Jiujiang University in China. He stated this development was a direct result of Mayor Johnson's and the City's leaders recent trip to China; and without the Mayor's leadership, the agreement would not be possible. The exchange program will help the students expand their national experiences. The President of Jiujiang University signed the agreement on December 24, 2010. The City of Jiujiang is Savannah's Sister City. Dr. Naniuzeyi stated he was very welcomed and was treated exceptionally well, including covering his expenses. He said the Chinese students would be arriving in the fall of 2011. Mayor Johnson told him to bring the students to a Council meeting so that they can be properly welcomed and see how the City Government operates.

Representatives from the THRIVE Committee Mark Nelson, Ellen Wyatt with the Housing Department, James Flowers, Sr. with Cemeteries, Larry Fagley also with Cemeteries, and Tammy Faughey whom Mr. Nelson said is the heart-and-soul of THRIVE presented the "Greenie" Award for the second, third, and fourth quarters of 2010. Mayor Johnson commended the committee for their efforts. He stated Savannah is one of the City's that is now look at as being in the green movement. He stated Savannah would not be in the position they were in nationally or internationally, without the efforts of this committee. He asked them to attend Council meeting periodically and give updates.

Savannah Youth Council members Teaysia Biggins and DuShuana Anderson-Cooksey, read essays they had written about their neighborhoods. Miss. Biggins stated she wanted a Multi-Cultural Activity for her neighborhood and Miss. Cooksey stated she wanted a Helping Hands Festival. Both essays were impressive. Mayor Johnson directed Carliss Bates, Youth Council Coordinator and Alderman Johnson to get together and make these dreams come true.

Mayor Johnson made an announcement that Dr. Connie Cooper needed volunteers for the Jackson Park area to help improve 3 homes of single parent families. He stated the Council members would be in the MLK Parade, but would make an effort to stop by sometime during the day, and hopefully some employees would help out. Anyone interested should call Hands on Savannah, a United Way sponsored organization.

## **LEGISLATIVE REPORTS**

As advertised, the following alcoholic license petitions were heard. No one appeared in objection to the issuance of the licenses and upon motion of Alderman Johnson, seconded by Alderman Thomas, and carried, they were approved:

### **ALCOHOL BEVERAGES LICENSE HEARING**

Christopher Allen Godfrey for GKI, LLC d/b/a Social Club, requesting a liquor, beer and wine (drink) license with Sunday sales at 411 W. Congress Street, which had a 2010 liquor, beer and wine (drink) license with Sunday sales and is located between Montgomery Street and Martin Luther King, Jr. Boulevard in District 1. (New ownership.)

John Harrison Roelle for Roelle Associates Inc. d/b/a Brasserie 529, requesting a liquor, beer and wine (drink) license at 529 E. Liberty Street, which is located between Price and East Broad Streets in District 2. (New business and location.) The RIP-B zoning permits the sale of alcoholic beverages provided such beverages are served only as part of a full-service meal, the restaurant shall front onto a street classified as an arterial on the City Street Classification Map, and no display or advertisement for the sale of alcoholic beverages shall be visible from the exterior of the structure.

Karim Ladha for Samal, Inc. d/b/a Smart Stop, requesting renewal of a beer and wine (package) license at 1114 Abercorn Street, which is located between Duffy Street and Park Avenue in District 1. Persons living near 1114 Abercorn Street have filed a petition objecting to the renewal of this license. The Alcoholic Beverage Ordinance provides that where objections have been filed applications for renewal must be approved by the Mayor and Aldermen instead of by the City Treasurer. The applicant and the objectors will be notified that this application for renewal will be considered during the City Council meeting on January 26, 2011. Upon motion by Alderman Felser, seconded by Alderman Thomas, and carried, the consideration will be heard at the January 26, 2011 meeting. Alderman Jones asked why this item was brought before Council. Acting City Manager Rochelle Small-Toney stated there had been several complaints about this establishment; specifically a public nuisance and several police calls. Due to the fact that several objections have been filed, Council must review it as opposed to the City Treasurer. Alderman Johnson requested the City Manager have the calls for service data ready for Council's review

### **ZONING HEARINGS**

Sandy Layton, Owner/Petitioner (Z-101124-50558-2), requests to rezone 310 W. Charlton Street from BC (Community Business) to RIP-A (Residential, Medium Density). The Metropolitan Planning Commission (MPC) recommends approval. The property is developed and used as a single family residence. However, the use is considered non-conforming since single-family residential is not an allowed use in the BC zoning district. The proposed "down zoning" of the property to an RIP-A classification is consistent with the land use designation of the Tri-Centennial Comprehensive Plan, is consistent with the development character of the neighborhood, and will remove the non-conforming status which now encumbers the property. Recommend approval.

City Manager Toney stated the buyers were securing a loan on the property and it is presently a non-conforming use; therefore, it needs to be rezoned. Upon motion by Alderman Johnson, seconded by Alderman Felser, and carried the Public Hearing was closed. Upon motion by Alderman Johnson, seconded by Alderman Felser, and carried, the request was approved.

## **PETITIONS**

Dana Braun for The Crypt Pub – Petition 13033, requesting to encroach onto the Broughton Street sidewalk with movable stanchions in front of the entrance to The Crypt Pub at 317 W. Broughton Street, which is located between Jefferson and Montgomery Streets. The Police and Fire Departments recommended the use of stanchions for the purpose of orderly ingress and egress due to crowd and noise control issues. The petition has been reviewed by Water Resources and Public Works, Sanitation, Development Services, Police and Fire. The impacted bureaus recommend approval of the petitioner's request subject to these stipulations: • The stanchions do not become fixtures and are not affixed to the sidewalk. • The stanchions are removed when the business is not open. • The sidewalk remains passable for non-patrons of the business. The distance between the stanchions and the curb must be at least four feet (4') to allow for safe passage by pedestrians. • All liability relative to the presence of the stanchions must be assumed by the owner/operator of The Crypt Pub. • The encroachment is specific to the current tenant/business operation for the specific purpose of orderly ingress and egress and is not transferable to future tenants/business owners. Recommend that the petitioner be advised of the above stipulations; and advised also that the encroachment grants no ownership rights to the property and that if ever requested by City officials, the stanchions must be permanently removed and cannot be reinstalled without review by City Council.

City Manager Toney stated the public right-of-way is extremely compromised. This would allow for patrons to line up against the building as opposed to spilling out into the streets. Alderman Sprague asked if the City could get a written statement from the owners that they would be held liable in case of an accident. Clerk of Council Dyanne Reese stated the owners get notifications from her office and in the letter it states the stipulations for approval. Assistant City Attorney Shearouse stated this notification was legal and binding.

**BE IT RESOLVED AND IT IS HEREBY RESOLVED** that the Mayor and Aldermen of the City of Savannah in regular meeting of Council assembled, that the foregoing recommendations are hereby adopted and approved upon motion of Alderman Felser, seconded by Alderman Thomas, and carried.

## **ORDINANCES**

Mayor Johnson asked Laura Walker, with Facilities Maintenance to summarize the purpose of the ordinance so that the private sector could participate. Ms. Walker stated the Green Roof Ordinance is an ordinance to provide standards for designing, installing, and maintaining green roofs in the City. A green roof is a roof on a building that is partially or completely covered with vegetation. Critical components of a green roof include growing medium, waterproof membrane, roof barrier, and a drainage and irrigation system. Green roofs in urban settings may offer many benefits including reduction of the urban heat island effect, reduction of building heating and cooling demand, and reduction of stormwater run off. These standards will be important in the Historic District due to the permanent incentive offered for a feature that may be short-lived if not carefully designed and monitored. The proposed standards will provide users and staff the basic tools to establish functional, safe, and long term green roofs.

Alderman Thomas asked if the members of Historic Savannah had any input in the composing of the ordinance. Ms. Walker stated there was an incentive placed in the Historic District Ordinance that allowed for a permanent incentive to take place if the installation of a Green Roof was decided and approved. The incentive was for a property owner to get an additional story to the height limit, if they decided to put on a green roof. Previously there were no standards to evaluate a Green Roof; also, there were several property owners who attempted Green Roofs, but failed. Therefore, the ordinance will protect the City's interest, and have successful Green Roofs. Alderman Thomas stated he wanted to prevent potential, future problems. When the plans come forward, there are always issues. He wanted to make sure the ordinance was clear, and understandable. Ms. Walker stated when the staff researched and started the process of the ordinance, several members of the Metropolitan Planning Commission, including Beth Reider and Sara Ward, were involved and had a major part in the planning process.

Mayor Johnson stated the revisions of the Historic Ordinance were reviewed with Historic Savannah and the incentive about the Green Roof was included in the negotiations. Again, the Historic Ordinance was revised to include the Green Roof section, and Historic Savannah participated in the discussions of the revisions.

Alderman Sprague asked if the roof line was 5-stories and the property owner decided to put on a Green Roof, they could then get a 6<sup>th</sup> story, plus the Green Roof; to which Ms. Walker stated was correct. She also stated if they decided they no longer wanted a Green Roof they must go before the City for approval and there are other options in the ordinance and the Historic Preservation

Ordinance such as solar panels or a brick façade approved by MPC's historic staff. If the Green Roof failed or the 2<sup>nd</sup> owner did not want to keep it, they would need to contact the City and offer something in place of the Green Roof. Also, the Fire Marshall does periodic inspections; therefore the roofs would be monitored for compliance. There is a provision in the ordinance to allow access to the roof for inspections. There are many extra steps an owner would have to take to qualify for a Green Roof. Alderman Osborne suggested a written statement from the property owner that the Green Roof was not for the purpose of an additional story; and that they know of periodic inspections. Alderman Stuber asked if they followed national standards or if they created something new. Ms. Walker stated they created something new, but did get advice from Green Roof Specialists across the country.

Ordinance read for the first time in Council December 30, 2010, read a second time January 13, 2011, placed upon its passage, adopted and approved upon motion of Alderman Jackson, seconded by Alderman Felser, and carried.

## **AN ORDINANCE** **To Be Entitled**

**AN ORDINANCE TO PROVIDE STANDARDS FOR DESIGNING, INSTALLING, AND MAINTAINING GREEN ROOFS IN THE CITY OF SAVANNAH. TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES:**

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in a regular meeting of Council assembled and pursuant to lawful authority thereof:

### **I. Purpose**

The overall goal is to protect human health and the environment by reducing the urban heat island effect and stormwater runoff and associated pollution discharge into the storm sewer system and surface waters. The specific purpose is to provide minimum standards for green roof design, installation, and maintenance.

### **II. Administration**

This policy is administered by the City of Savannah Fire, Development Services, and Stormwater Departments. Failure to comply shall be considered a violation of the City Code of Ordinances.

### **III. Applicability of Policy**

This policy shall apply to residential, commercial, and industrial properties within the City limits. The City of Savannah Stormwater Guidelines Manual provides specific green roof standards for stormwater quality and quantity credits. The Green Roof Guidelines provide general information regarding green roofs. In the event a conflict occurs between the three documents or any other language herein, the stricter standard shall apply.

### **IV. Definitions**

Electric Field Vector Mapping (EFVM) - electronic leak detection method used for locating damaged waterproofing underneath vegetated covers. By charging the moist media layer of the green roof with electricity, leaks can be detected through electrical grounds caused by moisture in contact with an underlying steel or concrete deck structure.

Extensive Green Roofs - generally designed to be lightweight and to minimize maintenance. Soil depth ranges from one (1") to six (6") inches and the weight ranges from fifteen (15) to fifty (50) pounds per square foot. Plant selection is generally limited to sedums, grasses, or small specialized native plant species. Extensive green roofs are typically not accessible to the public.

FLL – Forschungsgesellschaft Landschaftsentwicklung Landschaftsbau. e.V. (*Guidelines for Planning, Installation, and Maintenance of Green Roofs*) internationally accepted guidelines for green roof construction. Developed in Germany these standards and guidelines are comprehensive, and include industry standard tests for medium weight, moisture, nutrient content, grain-size distribution, etc.

Green Roof – a roof system which includes a vapor control, thermal insulation, waterproof membrane, a root barrier, a drainage system, a filter layer, growing medium, and living plant material. There are several types including extensive, intensive, and semi-intensive.

GRHC Certification – certification for green roof installers provided by an organization called Green Roofs for Healthy Cities.

Growth Media – a composition of soil that is designed to support the function of a specific green roof type. Media characteristics include weight, porosity, wind and water erosion, vegetation support, and stormwater management capacity.

International Code Council (ICC) – references green roofs and includes standards for construction, maintenance, and enforcement.

Integrated Green Roofs - assembled on site in loose-laid layers that may provide more versatility.

Intensive Green Roofs - include a deeper layer of growing medium, support a wider variety of plants, and have greater needs for irrigation and maintenance. The soil depth is typically six (6”) to twenty-four (24”) inches (or more) and weight load ranges from eighty (80) to one hundred and fifty (150) pounds per square foot. Generally designed as an amenity space that can be used by building tenants or by the general public.

Modular Green Roofs - off-site pre-assembled units. Some feature plastic or metal trays filled with growing medium which is placed on the roof. Plants can be grown in trays before or after installation.

Rooftop Garden – a green roof, as defined herein, with plant material specified for food production and/or wildlife attraction.

Semi-Intensive Green Roofs - include features of intensive and extensive green roofs i.e. a green roof may be designed as low-maintenance and feature typical extensive classified plantings yet also have ADA accessibility.

#### V. Design Considerations and Requirements

Vegetation must be maintained for the life of the building. No green roof shall be reduced or eliminated without a corresponding reduction in building floor area or substitution of an equivalent amenity. The roof area must contain sufficient space for future installations (e.g. mechanical equipment) that will prevent adverse impacts such as removal of or damage to plants or reduction in area of the green roof. Elimination or substitution of a green roof requires City approval. All green roof system designs shall comply with the latest versions of the International Building Codes and American National Standards Institute as adopted by the City of Savannah. Plans shall be certified by a Georgia licensed Professional Engineer or Architect and include the following: Drawings of existing or proposed roof conditions, including dimensions of all structures on the roof; A landscape plan which specifies the plant species (common and scientific name), quantity, size (container, height, and diameter), and proposed location; Structural framing drawings; Weight capacity of the existing or new roof including weight calculations of all amenities e.g. plants, soil (saturated and unsaturated), cistern, and all anticipated loads; Wind load capacity; Fire Protection Plans; and Drawings of all components of the proposed green roof system to include vapor control, thermal insulation, waterproof membrane, a root barrier, a drainage system, a filter layer, growing medium, and living plant material.

2. To protect the waterproof membrane, vegetation should cover 90% of the green roof system.

3. The green roof system shall comply with applicable German FLL guidelines; The waterproof membrane shall be FLL certified; A physical root and rhizome resistance barrier shall be installed. Chemical barriers are prohibited; Permanent safe access to the roof for installation and routine maintenance is required. If applicable, waterproof membrane should be compatible with the specified EFVM system or other leak detection devices as approved by the City. All air vents and mechanical equipment exhausts shall be designed and/or directed away from vegetation. Owner shall execute an access agreement to the green roof for inspection purposes. For green roofs required by the City of Savannah Zoning Ordinance, the following additional standards shall apply: The system shall be either intensive or extensive; the system shall incorporate methods to attenuate 1.2 inches of rain that falls on the roof and other structures draining onto the roof. Methods may utilize a series of best management practices to achieve the City Stormwater Design Manual discharge requirements; Supplemental irrigation is required; An operations and maintenance (O&M) plan that follows the FLL guidelines shall be submitted and a fee equal to the sum of three years of maintenance service shall be added to the contract with the original installer; The contractor/installer shall hold Green Roof Professional accreditation from Green Roofs for Healthy Cities or another similar organization or demonstrate to the City proficient knowledge and experience with the green roofs; The system shall include an electronic leak detection system or other leak detection approved by the City; Owner shall execute a covenant with the City ensuring installation, preservation, maintenance, and replacement, if necessary, of the green roof system.

## VI. Health and Safety Requirements

Green roofs are subject to periodic inspection by City Staff.

Maintain ingress and egress to the green roof to the design standards at all times. The roofing materials including vegetation must meet the adopted fire code standards. If the roof structure does not meet building codes for safe public access, guardrails or fencing may be required. All drain pipes shall be labeled and specified as “Non-potable. Do Not Drink”. All connections to the City’s potable and reclaimed water supply shall include backflow prevention devices. Each backflow preventer shall be registered with the City of Savannah Water and Sewer Department. A green roof system shall not harbor mosquito larvae, rodents, and/or organisms that pose a threat to public health or that undermine the facility structure.

## VII. Quality Assurance and Warranty

Installation of all green roof system components shall be coordinated and warranty coverage provided by a single accredited source. Warranties shall include cost of labor and materials to inspect, repair, remove, and replace components in green roof system without financial limit. Warranties shall include removing and replacing vegetated roof covering to access and repair waterproofing/roofing below vegetated roof covering. Warranty periods shall be as follows: Waterproof membrane twenty (20) years from date of substantial completion; System components (excluding vegetation) fifteen (15) years; and Vegetation two (2) years. EFVM surveys should be conducted as follows: After installation of the vapor control, thermal insulation, waterproof membrane, and root barrier layers; and before installation of vegetative cover; and after installation of vegetative cover.

System Components: Provide a warranty signed by system provider against failure of components in green roof system, except vegetation. Warranty shall include repair of flaws which impair the functioning of the green roof system, provided the flaws originate from errors in design, material defects, improper assembly, incompatibility between components, or deterioration. Failure of components shall include: Loss or dislocations of media due to wind scour (during the establishment period); Persistent ponding of water after rainfalls; Anaerobic conditions developed in the media due to inadequate drainage; Cracking or deterioration of drain access chambers and border units, clogging of roof drains or scuppers; and Cracking or exfoliation of concrete pavers. System Vegetation: Provide a warranty signed by system installer against failure of vegetation in green roof system, including but not limited to failure of the plants to thrive due to compression or decomposition of the media. Warranty shall provide for alteration of the growing media, if required to provide viability to vegetation. Roof system insurance should cover wind damage, damage to plants due to extreme weather, and structure damage due to leaks in membrane.

## VIII. Operation and Maintenance

An operation and maintenance (O&M) plan shall be submitted with the green roof construction plans. Operations and maintenance shall sustain the function of all green roof system components including the viability of plant material. The O&M plan shall include the following elements: Plant care specifications including pruning and fertilization, Weed control; Pest control; Irrigation specifications to include timing, frequency, and seasonal quantity of water requirements; and Schedules for inspections and work. Maintenance records shall be provided to City Staff upon request and include: Date of work; Description; and Contractor for all repairs, landscape maintenance, and facility cleanout activities. The City encourages the Best Management Practice of weed and pest control through the use of herbicides and insecticides listed by the Organic Materials Review Institute through the USDA National Organic Standards.

## X. Enforcement

Enforcement shall be in accordance with the provisions of the most current City of Savannah Code of Ordinances. Violations may be punishable by a fine not exceeding \$1,000 per day. In addition, the City of Savannah may seek to recover any and all costs relating to correcting, removing or abating the violation.

ADOPTED AND APPROVED THIS 13<sup>TH</sup> DAY OF JANUARY, 2011.

## **RESOLUTIONS**

### **A RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH AUTHORIZING THE MAYOR TO SIGN AFFIDAVIT OF EXECUTIVE SESSION**

BE IT RESOLVED by the Mayor and Aldermen of the City of Savannah as follows:

At the meeting held on the 13<sup>th</sup> day of January, 2011 the Council entered into a closed session for the purpose of discussing personnel. At the close of the discussions upon this subject, the Council reentered into open session and herewith takes the following action in open session:

1. The actions of Council and the discussions of the same regarding the matter set forth for the closed session purposes are hereby ratified;
2. Each member of this body does hereby confirms that to the best of his or her knowledge, the subject matter of the closed session was devoted to matters within the specific relevant exception(s) as set forth above;
3. The presiding officer is hereby authorized and directed to execute an affidavit, with full support of the Council in order to comply with O.C.G.A. §50-14-4(b); 17
4. The affidavit shall be included and filed with the official minutes of the meeting and shall be in a form as required by the statute.

ADOPTED AND APPROVED THIS 13<sup>th</sup> DAY OF JANUARY, 2011 UPON MOTION OF ALDERMAN JOHNSON, SECONDED BY ALDERMAN FELSER, AND CARRIED.

LNG Resolution to the General Assembly: Alderman Sprague stated she was in favor of the proposed resolution, with concerns of submitting it to only two legislators. She felt very strongly that it should be submitted to the entire delegation. City Manager Toney stated this wording came from Representative Craig Gordon. It is intent to ask Chatham County as well as the School Board to join in a similar passage; they will assemble this and present it, collectively, to the General Assembly. Alderman Osborne stated the Federal Energy Commission will hold a meeting regarding the LNG trucking, February 2, 2011 at 7:00 p.m. in the Ballroom at the Civic Center. Alderman Felser stated this meeting is being held due to the questions raised by the City and citizens and commended Mayor Johnson for his efforts.

**A RESOLUTION URGING THE GEORGIA GENERAL ASSEMBLY TO PROVIDE FOR LOCAL GOVERNMENTS IN GEORGIA TO BE NOTIFIED AND CONSULTED CONCERNING PROPOSALS TO TRANSPORT HAZARDOUS MATERIALS WITHIN THEIR BOUNDARIES; TO REQUIRE COMPANIES MAKING SUCH PROPOSALS TO WORK WITH STATE AND LOCAL OFFICIALS AND EMERGENCY RESPONDERS TO DETERMINE THE SAFEST AND MOST SECURE ROUTES; TO PROVIDE FOR MEANINGFUL LOCAL GOVERNMENT INPUT INTO THE ROUTE APPROVAL PROCESS; AND TO PROVIDE FOR DISASTER PREPARATION, SAFETY TRAINING AND EQUIPMENT, HOMELAND SECURITY AND EVACUATION.**

**WHEREAS**, extremely hazardous substances would be transported through the City of Savannah, truck freight which includes liquefied natural gas, anhydrous ammonia, and chlorine gas and other hazardous cargoes of concern to federal homeland security officials; and

**WHEREAS**, the City of Savannah is the fourth busiest port in the United States and is classified as a High Threat by the US Department of Homeland Security; and

**WHEREAS**, liquefied chlorine gas, liquefied natural gas and anhydrous ammonia shipments, are of a high concern to homeland security officials; and

**WHEREAS**, 20 million gallons of liquefied natural gas will be transported through the streets of the City of Savannah monthly, and

**WHEREAS**, the current routes used by the trucking industry will pass within yards of our neighborhoods, schools, two hospitals and the regions Level 1 Trauma center, places of worship and near many potential terrorism targets including meeting centers, large gathering venues and government buildings; and

**WHEREAS**, possible alternative routes could transfer the most dangerous through chemical cargoes onto available non-target lines, and would therefore significantly reduce both terrorism risk and the potential consequences of accidental releases; and

**WHEREAS**, possible frequency reduction and reduced traffic at alternative times could transfer the most dangerous through chemical cargoes to the least busiest and congested times, and would therefore significantly reduce both terrorism risk and the potential consequences of accidental releases; and

**WHEREAS**, chlorine is classified as a Toxic Inhalation Hazard by the Department of Homeland Security; and

**WHEREAS**, the Chlorine Institute estimates that one chlorine tanker can release a cloud at a potentially lethal level that extends 15 miles downwind and 4 miles wide; and

**WHEREAS**, the Federal Motor Carriers determined Weapons of Mass Destruction by the Department of Homeland Security to be cargoes containing Explosives, Poison Gases, Radioactive materials and Liquefied Natural Gas;

**WHEREAS**, a recent statement submitted to a federal regulatory docket, by major chlorine “captive shipper” PPG Industries, indicates that railroads may have available alternative routes that can lower both the distance and the terrorism risk potentials for chlorine shipments but that the railroads can refuse to do so, instead unnecessarily forcing shipments onto routes hundreds of miles longer and through major target urban areas; and

**WHEREAS**, immediately after the 9/11 attacks LNG, chlorine and other ultrahazardous cargoes were promptly ordered off of transportation infrastructure and brought to safe havens, and subsequently, federal agencies have been quietly meeting with and shippers to try to shorten LNG, chlorine and other ultrahazardous cargo routes to reduce terrorism risks; and

**WHEREAS**, local and state governments have a direct interest in protecting the community from the threat of hazardous material releases.

**WHEREAS** the City of Savannah Fire and Emergency Services has a direct responsibility in protecting and responding to the citizens of Savannah from the threat of a hazardous material release

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Aldermen of the City of Savannah hereby urge the Georgia General Assembly and the appropriate federal authorities to revise the routing law and the routing rule to include requirements that trucking transportation industry and railroads work together with state and local officials to determine the safest and most secure routes for liquefied natural gas and other hazardous material cargo transport that involve all carriers.

**BE IT FURTHER RESOLVED**, that the City of Savannah and the other emergency responder agencies *have* seats at the table with the responsible transporting companies as they work on their routing analyses and selections that impact our citizens, and to assess the adequacy of the transportation security vulnerability assessments and security plans produced by the railroads for routing and storage of hazardous shipments that place our citizens at risk throughout the City of Savannah.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to the Chatham County Legislative Delegation.

ADOPTED AND APPROVED THIS 13<sup>th</sup> DAY OF JANUARY, 2011 UPON MOTION OF ALDERMAN JOHNSON, MODIFICATIONS, SECONDED BY ALDERMAN FELSER, AND CARRIED.

Quit Claim Deed – Cindy Etz. A resolution authorizing the Acting City Manager to sign the quit claim deed transferring the 630 square foot unopened portion of Abercorn Lane adjacent to 2116-2118 Abercorn Street to Cindy Etz for the sum of \$2,900.00. On July 29, 2010, Council approved Petition 12772 in which Cindy Etz requested that the City declare surplus and quit-claim the south 30’ portion of unopened right-of-way that dead-ends behind her property at 2116-2118 Abercorn Street. The two other adjacent property owners have waived any interest in the property. Ms. Etz has granted an access easement to Georgia Power for a utility pole in the lane, and they have no objections. The property is 21’ by 30’ for a total area of 630 feet. Ms. Etz has agreed to pay the City \$2,900.00, or approximately \$4.60 per square foot, which is fair compensation.

A RESOLUTION TO AUTHORIZE THE GRANTING OF A DEED TO CYNTHIA E. ETZ FOR THAT PORTION OF UNOPENED ABERCORN LANE LYING ADJACENT TO HER PROPERTY AT 2116-2118 ABERCORN STREET.

WHEREAS, the within described property was declared surplus to the City's needs on July 29, 2010; and

WHEREAS, under O.C.G.A, 32-7-4 of City of Savannah may offer such property for sale to adjacent owners; and

WHEREAS, the Mayor and Aldermen of the City of Savannah have approved the conveyance of the property to the adjoining property owners for fair market value; and



WHEREAS, Cynthia Etz is the owner of the adjacent property to the west of said unopened right-of-way; and

WHEREAS, all other adjacent property owners have waived any interest in the subject property;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Aldermen of the City of Savannah in regular meeting of Council assembled, that he City Manager is authorized to execute to a Quit Claim Deed to CYNTHIA E. ETZ to the property described herein, and he Clerk of Council to attest said deed and affix the City's seal

*All that certain lot, tract or parcel of land situate, lying and being in the City of Savannah, Chatham County, Georgia, known on a map or plan of said City as 21' by 30' parcel of land being all that certain twenty-one (21') foot right-of-way known as Abercorn Lane laying (exclusively) between Lots 81 and 96, Dasher Ward; said parcel containing 630 square feet, more or less.*

ADOPTED AND APPROVED THIS 13<sup>TH</sup> DAY OF JANUARY UPON MOTION BY ALDERMAN JOHNSON, SECONDED BY ALDERMAN THOMAS AND CARRIED.

Condemnation Proceedings – 292 Scarborough Street. A resolution to authorize and direct the filing of Condemnation Proceedings to acquire title to Lot 68, Mitchell Ward, in the Subdivision of the Roach Tract, Chatham County, Georgia, (PIN 2-0019-15-002) commonly known as 292 Scarborough Street. The apparent property owners have given their consent, but the title is clouded due to the inability to identify any possible persons with a legal claim. Assistant City Attorney Shearouse stated the property has un-identified heirs.

A RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH FOR THE LAND ACQUISITION AUTHORIZING AND DIRECTING THE FILING OF CONDEMNATION PROCEEDINGS TO ACQUIRE SAID TITLE, ESTATE OR INTEREST IN SAID LAND.

WHEREAS, the City of Savannah Real Property Services has determined and recommended that the property, "Property," described as LOT 68, MITCHELL WARD, IN THE SUBDIVISION OF THE ROACH TRACT, CHATHAM COUNTY, GEORGIA; PIN 2-0019-15-002; COMMONLY KNOWN AS 292 SCARBOROUGH STREET, be acquired for public purpose, to-wit, (1) construction of a public park, (2) to remedy blight, (3) the property meets the condition set forth in O.C.G.A., 22-1-1, i.e. the title is clouded as defined in O.C.G.A., 22-1-1 (9), and (4) unanimous consent has been received from each person with a legal claim that has been identified and found pursuant to O.C.G.A., 22-1-1 (v) and,

WHEREAS, the Mayor and Aldermen of the City of Savannah have identified the Property and found that it will serve the public, and

WHEREAS, title to the Property is shown on the real estate records as vested 4/5 in Mary Kemp and 1/5 in Lucius Kemp, and

WHEREAS, it is necessary that the Property be acquired without delay.

NOW THEREFORE, it is found and determined for the Mayor and Aldermen of the City of Savannah that the circumstances are such that it is necessary that the Property be acquired under the provisions of O.C.G.A., 22-2-1 et. seq., as amended, and

WHEREAS, the interest holders to the Property have acknowledged the receipt of the notice of preliminary determination to acquire said the Property for the public use as herein described through the exercise of the power of eminent domain and have given their consent and waiver of the notices and procedures as provided in said Chapter as shown on the Acknowledgment, Consent and Waiver being made a part hereof, and

IT IS ORDERED that the Mayor and Aldermen of the City of Savannah proceed to acquire the title, estate or interest in the Property described in Appendix "A" by condemnation under the provision of said Code and that Proceedings to acquire said title, estate or interest in said lands be filed.

ADOPTED AND APPROVED THIS 13<sup>TH</sup> DAY OF JANUARY UPON MOTION BY ALDERMAN JOHNSON, SECONDED BY ALDERMAN THOMAS AND CARRIED.

Condemnation Proceedings – 296 Scarborough Street. A resolution to authorize and direct the filing of Condemnation Proceedings to acquire title to the Northwest Part of Lot 69 and the Northeast Part of Lot 1, Mitchell Ward, in the Subdivision of the Roach Tract, Chatham County, Georgia (PIN 2-0029- 01-018), commonly known as 296 Scarborough Street. The apparent property owners have given their consent, but the title is clouded due to the inability to identify any possible persons with a legal claim. Assistant City Attorney Shearouse stated the property has un-identified heirs.

A RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH FOR THE LAND ACQUISITION AUTHORIZING AND DIRECTING THE FILING OF CONDEMNATION PROCEEDINGS TO ACQUIRE SAID TITLE, ESTATE OR INTEREST IN SAID LAND.

WHEREAS, the City of Savannah Real Property Services has determined and recommended that the property, "Property," described as NORTHWEST PART OF LOT 69 AND NORTHEAST PART OF LOT 1, MITCHELL WARD, IN THE SUBDIVISION OF THE ROACH TRACT, CHATHAM COUNTY, GA; PIN 2-009-01-018, COMMONLY KNOWN AS 296 SCARBOROUGH STREET, be acquired for public purpose, to-wit, because unanimous consent has been received from each person with a legal claim that has been identified and found pursuant to O.C.G.A, 22-1-1 (v) and, because title is clouded due to the inability to identify or locate all owners of the property pursuant to O.C.G.A., 22-1-1 (iv), and for construction of a public park, and

WHEREAS, the Mayor and Aldermen of the City of Savannah have identified the Property and found that it will serve the public, and

WHEREAS, it is necessary that the Property be acquired without delay.

NOW THEREFORE, it is found and determined for the Mayor and Aldermen of the City of Savannah that the circumstances are such that it is necessary that the Property be acquired under the provisions of O.C.G.A, 22-2-1 et. seq., as amended, and

WHEREAS, the interest holders to the Property have acknowledged the receipt of the notice of preliminary determination to acquire said the Property for the public use as herein described through the exercise of the power of eminent domain and have given their consent and waiver of the notices and procedures as provided in said Chapter as shown on the Acknowledgment, Consent and Waiver being made a part hereof, and

IT IS ORDERED that the Mayor and Aldermen of the City of Savannah proceed to acquire the title, estate or interest in the Property described in Appendix "A" by condemnation under the provision of said Code and that Proceedings to acquire said title, estate or interest in said lands be filed.

ADOPTED AND APPROVED THIS 13<sup>TH</sup> DAY OF JANUARY UPON MOTION BY ALDERMAN JOHNSON, SECONDED BY ALDERMAN THOMAS AND CARRIED.

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**MISCELLANEOUS ITEMS**

Upon motion of Alderman Thomas, seconded by Alderman Osborne and carried, the following **bids, contracts and agreements** were approved:

**BIDS, CONTRACTS AND AGREEMENTS**

E911 Dispatch System Upgrade – Sole Source – Bid No. 11.005. Approval to procure an upgrade to the E911 System from AT&T/Positron in the amount of \$355,659.14. Maintenance will be an additional \$60,144.00 per year. The anticipated life of an E911 system is 5-6 years; the current dispatch equipment is 10 years old. The equipment and software is covered by a maintenance contract, however Positron has notified the City that the Lifeline system, which operates 24 hours a day, 7 days a week, is at the end of its useful life and is no longer being manufactured or sold. This will make it increasingly difficult to get replacement parts. The recommended upgrade from the Positron Lifeline system to a Positron Viper system incorporates newer technology such as voice over internet protocol (VOIP) and addresses the increasing use of wireless devices instead of landlines. The City’s current contract includes “evergreen” software agreement with Positron which means we will not pay for new software and will never have to pay for software upgrades. This makes it more economical to upgrade the current system than to purchase a replacement

system. Funds are available in the 2011 Budget, E911 Wireless Reserve/Wireless Reserve/Office/Building Furniture/ Equipment (Account No. 242-4140-51520).

Fiber Optic Cabling Installation – Annual Contract – Bid No. 10.300. Awarded an annual contract for installation of fiber optic cable from Turnkey Project Management in the amount of \$107,601.00. The work will include underground fiber optic cable installation for planned projects and emergency repairs in the case of accidents, storms, hurricanes, or equipment failures and will be used by the Information Technology Department and Traffic Engineering Department. Projects planned for 2011 include the Midtown Municipal Center, Bull Street Fire Station 5, and the Building Maintenance facility on Interchange Court. The reason for not awarding to the low bidder is that AT & T Systems took many exceptions to the City's standard terms and conditions including warranty, liability and insurance requirements and has placed additional limits to the City's contract terms. AT & T Systems also failed to agree to the City specifications for emergency response which is a critical requirement for Traffic Engineering. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2011 Budget, Capital Improvements Fund/Capital Improvements Projects/Other Costs/Midtown Municipal Center/Bull Street Fire Station, General Fund/Building & Electrical Maintenance/Building Repair, General Fund/Traffic Engineering/Equipment Repair Parts (Account Nos. 311-9207-52842-PB530/PB413, 101-6121-51245, 101-2103-51335).

Sanitation Truck Chassis – Sole Source – Requisition No. 11200119. Approval to procure 6 refuse truck chassis from Crane Carrier Company in the amount of 818,286.00. The chassis will be utilized by Sanitation to replace units 0710, 0711, 0713, 0714 and 0717 which are no longer economical to repair or operate. In 1999 the City standardized on the Crane Carrier chassis for refuse trucks. This is the only available chassis which allows the cab to sit low to the ground providing easy access with a walk-thru design. These features reduce staff injuries and provide a more ergonomic interior with increased crew seating. Standardizing on one chassis reduces parts inventory and maintenance costs. There is a 12% increase over the 2009 price due to changes in the 2010 Federal emission standards. Delivery: 120-150 Days. Funds are available in the 2011 Budget, Vehicle Replacement Fund/Vehicle Purchases/Vehicular Equipment (Account No. 613-9230-151515).

LARP Manhole and Valve Adjustments – Requisition No. 11201457. Approval to procure manhole, gas and water valve adjustments from APAC – Southeast, Inc. in the amount of \$36,450.00. The services will be used by Streets Maintenance as needed to adjust manholes and water and gas valves on approximately 10.65 miles of Department of Transportation (DOT) Local Area Resurfacing Projects (LARP) within the City limits. APAC was the successful bidder on the DOT 2011 resurfacing contract. It would be impractical to use a different contractor for the manhole and valve adjustments on LARP paving projects because of coordination and warranty issues. Unit prices are based on the contractor's DOT contract pricing. Funds are available in the 2011 Budget, Capital Improvement Fund/Capital Improvement Projects/Other Costs/LARP Manhole Adjustments (Account No. 311-9207-52842-SP909).

Front Loading Refuse Trucks – One Time Purchase – Requisition No. 11200124. Approval to procure one front loading refuse truck from Nalley Motor Trucks in the amount of \$198,277.20. The truck will be used by Commercial Refuse to replace unit 4712 which is no longer economical to repair or operate. Nalley Motor Trucks was awarded Bid No. 10.253 in November 2010 and has offered to hold the bid price for this purchase. Terms: 1%-15 Days/Net-30 Days. Funds are available in the 2011 Budget, Vehicle Replacement Fund/Vehicle Purchases/Vehicular Equipment (Account No. 613-9230-51515).

Revolving Broom Sweepers – One Time Purchase – Requisition No. 11200123. Approval to procure two sweepers from Environmental Products of Florida in the amount of \$261,360.00. The sweepers will be utilized by Street Cleaning to replace units 6719 and 6720 which are no longer economical to repair or operate. The reason for not selecting the low bidder, Municipal Equipment, is that their proposed sweeper received poor performance references from other municipalities. The reason for recommending the Elgin sweepers is that the 11 Elgin sweepers in our fleet are a proven commodity which staff mechanics are already trained on and for which we already maintain parts inventory. Bid No. 10.025 was awarded in April 2010 to Elgin's Georgia distributor, Tractor & Equipment. Elgin has offered through their current Georgia distributor, Environmental Products to hold the bid price for this purchase. Tractor & Equipment can no longer provide the specified equipment. Delivery: 60 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Vehicle Replacement Fund /Vehicle Purchases/Vehicular Equipment (Account No. 613-9230-51515).

Demolition of Structures – Annual Contract – Bid No. 10.308. Awarded awarding an annual contract for demolition of structures to American Clearing and Hauling (Primary) and A. Fox Construction (Secondary) in the amount of \$264,500.00. The contract will be used primarily by

the Property Maintenance Department to remove unsafe buildings throughout the city. Delivery: As Required. Terms: Net-30 Days. Funds are available in the 2011 Budget, General Fund / Property Maintenance Enforcement/Housing Demolition (Account No. 101-3106-51297).

Lease Renewal for the Metropolitan Planning Commission. Approval to renew the lease between the Metropolitan Planning Commission and the City of Savannah for office and meeting space located at 110 E. State Street. The extended term of the lease is for three years commencing on January 1, 2011 and expiring on December 31, 2014 at the annual rate of \$122,042.00 to be paid in monthly installments of \$10,170.17.

Microfilm Services – Annual Contract Renewal – Bid No. 10.316. Renewed an annual contract to procure microfilm services from The DRS Group in the amount of \$59,400.00. The microfilm services are used by the Development Services Department for records management. There are two renewals remaining on this contract. Fifty-Seven vendors were solicited but only one bid was received. Delivery: As Required. Terms: Net-30 Days. Funds are available in the 2011 Budget, General Fund/Development Services/Other Contractual Services (Account No. 101-3102-51295).

McKenna/Airways Improvements – Bid No. 10.283-12-7. Authorization to the Savannah Airport Commission to enter into a contract with Plant Improvement Co., Inc. d/b/a Seaboard Construction Co. in the amount of \$359,090.20 for McKenna/Airways Improvements. The east-west leg of McKenna Drive is within the area leased to Gulfstream for aviation-related manufacturing, so the road will be closed to through-traffic. To accommodate the through-traffic, it is necessary to realign McKenna Drive and construct additional acceleration and deceleration lanes on Airways Avenue.

Grayson Stadium Roof Replacement – Bid No. 10.294. Approval to procure services for roof replacement at Grayson Stadium from Sierra Design Build Management in the amount of \$163,445.00. The services include removal of the old roofing material, repair and replacement of underlayment material and replacement of shingles. Delivery: 60 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Capital Improvements Fund/Capital Improvements Project/Other Costs/Grayson Stadium Renovations (Account No. 311-9207-52842-PB227). Alderman Felser stated in the past, a lot has been spent improving Grayson Stadium and he hoped that the stadium would continue to be used and not become some type of museum; it is a great baseball park from the old days. He pointed out to the community, that when Council approved the bids, contracts, and agreements, many as well as this one has been owned by a local, minority owned business. Upon motion of Alderman Felser seconded by Alderman Thomas and carried, the contract was approved.

Firewall Equipment – One Time Purchase – Bid No. 10.301. Approval to procure Palo Alto Firewall equipment items 6-10 from Layer 3 Communications in the amount of \$128,864.00. The firewall equipment will be used by Information Technology to fulfill the requirements of a Department of Homeland Security grant to connect the City of Savannah's network to the Georgia Ports Authority network to share video surveillance on the riverfront. Delivery: 30 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Internal Service Fund/Information Technology (Account No. 611-1140). Alderman Sprague asked what type of surveillance is being shared with Georgia Ports Authority; to which several Council members stated it was the river front. Upon motion by Alderman Sprague, seconded by Alderman Thomas, and carried, the equipment was approved.

Third Party Administration of Worker's Compensation Claims for Risk Management – Annual Contract Renewal – RFP No. 11.004. Renewed an annual contract to procure third party administration services for worker's compensation claims and automotive liability claims from GAB Robins in the estimated amount for 2011 of \$243,219.00. The services are needed to control worker's compensation costs for employees who are injured on the job and automobile liability costs associated with City vehicles involved in an accident. GAB Robins has included 19% WBE participation utilizing Review Works and 13% MBE participation utilizing Sapphire Solutions. This is the second of four possible renewals for this contract. Proposals were originally received on September 23, 2008 and evaluated on the basis of experience and technical competence, program management, coordination and quality assurance, capacity and functionality of claims management information system and MWBE participation. Funds are available in the 2011 Budget, Risk Management Fund/Accounts Payable (Account No. 621-0000-21125). Alderman Sprague asked why the low bidder was not accepted. City Manager Toney stated this is the second year of a four-year, annual contract. Upon motion by Alderman Sprague, seconded by Alderman Thomas, and carried, the contract was approved.

Tree Removal – Crosswinds Golf Course – Phase I – Bid No. 10.284-12-7. Authorization given to the Savannah Airport Commission to enter into a contract with Cowart Tree Experts, Inc. in the amount of \$140,994.13 for Tree Removal-Crosswinds Golf Course. These trees penetrate or are

within 10' of penetrating the Federal Aviation Regulations (FAR) Part 77 imaginary surfaces of Runway 10 and are objects affecting navigable airspace. The removal, marking, or lighting of objects affecting navigable airspace of FAR Part 139 certificated airports is required for aircraft safety. Alderman Sprague asked how many trees were taken out and were there requirements for mitigation. City Manager Toney stated this was in relation to the airport; therefore, it is at their discretion and the City wants them to replace trees as they come down. Alderman Jackson pointed out that the City Attorney works with the airport attorney for compliance. Alderman Sprague asked City Attorney Blackburn to relay to the Airport Commission that it would be important if they mitigate since they were losing trees in the process. Upon motion by Alderman Jackson, seconded by Alderman Thomas, and carried, the contract was approved.

Citizen Susan Speros spoke to Council on the E911 Dispatch System Upgrade. She stated it was not put out to bid and the taxpayers should not spend \$415,000 to upgrade a system. City Manager Toney stated this software is outdated and has met its useful life by several years. Purchasing Director Peggy Joyner stated the City was under a software agreement and to change companies now would be extremely expensive. The assessment was done along with Chatham County and surrounding jurisdictions. Sergeant David Owens stated that to delay now would be dangerous because the City does not have a backup system. Alderman Johnson asked him if he considered it an emergency situation to which he stated it was. Alderman Felser stated it did concern him that he was just finding out the 911 system was in a critical stage. Mayor Johnson stated, in all due respect, there had been a newspaper article on it. Felser stated he was concerned that it did not go out for a bid. Mayor Johnson stated they had heard the concerns of the citizen, who was also in the business, and they had heard the justification for the recommendation from the staff; therefore the decision was theirs. The consensus was to uphold the original vote.

Alderman Felser made a motion to re-appoint Robert James to the CEDA Board, seconded by Alderman Thomas, and carried.

Mayor Johnson stated, for public record, that on the next day, Friday at 4:00 p.m. he would release the names of the 5 candidates for City Manager who would be undergoing a review process on Tuesday and Wednesday of the next week (January 18 & 19, 2011). He stated the media can meet in the media room, the next day, Friday, at 4:00 p.m. and he would issue to them the names and a synopsis of the five candidates

#### **ALCOHOLIC BEVERAGE LICENSE SHOW CAUSE HEARINGS**

Malone's on the River. A hearing for Brijesh Patel and Arun C. Patel to show cause why their bar known as Malone's on the River at 313-317 W. River Street, located between the Barnard Ramp and Martin Luther King, Jr. Boulevard in District 1, should continue to operate due to violations of State law and City ordinances in allowing underage persons into the establishment on a regular basis prior to the expiration of the 2010 license to sell liquor, beer and wine by the drink.

City Attorney Blackburn stated, at the last meeting of Council he brought to their attention that the establishment known as Malone's on River Street, that charges had been brought against the operators, allowing under-aged people into the establishment which was only a bar and not a restaurant. Under state law, any person under 21 years of age is not allowed in a bar. He stated there were some factual questions involved and he was directed to notify the owner of the license holder, who at the time of the letter, had not applied for a renewal; the 2010 license expired at the end of the year. He pointed out to Council that those that expired at the end of the year, under the policy and custom that the City had followed, that a letter goes out to all license holders that they would be delinquent if they did not renew by a certain date in January. Mr. Blackburn stated he wrote a letter to the license holder and the corporate president, whom was the owner that the charges had been brought against the employees in the recorder's court. The court judge would not accept a guilty plea without having the owners present. He stated he wrote the license holders with the remedy. The City Manager recommended they go before Council. Their license expired December 31, 2010 and they are in what is called the grace-period; they were still operating and had not applied for a renewal. Under normal circumstances, when the renewal came in they would show cause as to why the license would not be granted. He stated he sent, by certified mail, a notice to give them due-process notice to attend the meeting and the owners had not, at that point applied for a renewal. He confirmed with their attorneys that an application, along with a plan of operation has been filed and the application would need to be heard by Council. He stated there is no application to revoke and there is no application before Council; however the parties are present because they were summoned to appear. He stated the application should run its normal course and the City Manager could make the recommendation as to whether or not it should be renewed and there would then have a show cause hearing. Mayor Johnson stated if the Council had to legal basis to act on it, because there was nothing to act upon, there was no issue present. Attorney Blackburn stated they do not have a license and they were operating in the grace-period. Mayor Johnson stated that was to their benefit. They were given two-weeks for the application to go through the normal process and go before Council at which time they can

conduct a show cause hearing. Upon motion by Alderman Felser, seconded by Aldermen Stuber, and carried, the hearing would be January 26, 2011.

Alderman Felser stated they were asking the City Manager to draw-up a resolution in favor of the Savannah harbor Expansion Project to forward to the State Assembly and pertinent State wide offices. Mayor Johnson stated the City Attorney and City Clerk would do this for the next meeting.

Alderman Jackson stated Alderman Osborne was the Parade Marshall for the MLK Parade.

Alderman Jackson stated Chief Financial Officer Dick Evans was present in the Council Workshop. City Manager Toney stated he was working half-days.

There being no further business, Mayor Johnson wished everyone a safe and happy holiday and declared this meeting of Council adjourned.

A handwritten signature in cursive script, reading "Dyanne C. Reese", written in dark ink on a light-colored rectangular background.

Dyanne C. Reese  
Clerk of Council